

provide and care for their own tubercular patients or to comply with the law as herein set out), and to provide for the care and treatment of indigent consumptives, making an appropriation therefor, defining a citizen as used in this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass.

McCOLLUM, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, February 5, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 46, A bill to be entitled "An Act to establish a branch of the Agricultural and Mechanical College of Texas in that portion of Western Texas lying west of the ninety-eighth meridian and north of the thirtieth parallel; providing for the location of such college, its government and the control of its finances, defining its leading objects and prescribing generally the nature and scope of instruction to be given; providing for the instruction of all students of such college in military science and for military discipline of all students; conferring upon the board of directors of said college the right of eminent domain; making necessary appropriations for the location, establishment and maintenance of said college; and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass.

Bee, Chairman; Gibson, Johnson, Floyd, Smith, Harley, Dayton, Bailey, Buchanan of Scurry.

TWENTY-THIRD DAY.

Senate Chamber,

Austin, Texas,

Wednesday, February 7, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Hudspeth.

Absent—Excused.

Clark.

Suiter.

Lattimore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Buchanan of Scurry:

S. B. No. 308, A bill to be entitled "An Act creating and incorporating the Post Independent School District, in Garza County, Texas, and defining the boundaries thereof, and providing for a board of trustees thereof, and defining their powers and authority, authorizing said board to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor; providing for an assessor and collector of taxes thereof, and providing for a board of equalization of said school district, providing for an election of trustees thereof, and providing for an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator McNealus:

S. B. No. 309, A bill to be entitled

"An Act to amend an Act of the Thirty-third Legislature, page 115, entitled 'An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed, or about to fail, to construct their roads and branches, or any part thereof within the time required by law, and declaring an emergency,' so as to relieve railway corporations having charters dated since January 1, 1892."

Read first time and referred to Committee on Internal Improvements.

By Senator Bee:

S. B. No. 310, A bill to be entitled "An Act prescribing the qualifications of the county superintendent of public instruction, fixing the salary of the county superintendent, providing that no present commissions shall be impaired, allowing commissioners courts and boards of county school trustees to provide clerical and supervisory help, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Dayton:

S. B. No. 311, A bill to be entitled "An Act authorizing the county commissioners court of Grayson County, Texas, to appropriate money for the purpose of using additional farm demonstration agents and for a Canning Club demonstration agent."

Read first time and referred to Committee on Agricultural Affairs.

By Senators Robbins, Alderdice, Westbrook, Dean, Henderson, Smith, Dayton, Hopkins, Buchanan of Bell, Floyd, Strickland, Buchanan of Scurry, Suiter, McNealus, Lattimore and Woodward:

S. B. No. 312, A bill to be entitled "An Act to further promote temperance; to prevent the advertisement of or soliciting of orders for alcoholic, vinous, malt, spiritous or fermented liquors or any compound or preparation thereof commonly called tonic, bitters, or medicated liquors, and to provide for the removal of such advertisement."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Johnson of Hall:

S. B. No. 313, A bill to be entitled "An Act to amend Chapter 23, Title 18, of the Revised Statutes of 1895, as amended by the Thirty-first Legislature under the head of 'An Act relating to the issuance of bonds and levy of taxes;' requiring cities and towns incorporated under the general laws of this State against which there has been or may be hereafter rendered judgments, in courts of competent jurisdiction within this State, for the payment of which there can be no special levy of taxes, under the laws of this State, to annually set aside twenty per cent of the amount of ad valorem taxes collected for current expenses of said city or town, or so much thereof as may be necessary to satisfy such judgment, or judgments, and making it unlawful for a city or town against which there is pending a judgment, or judgments, to contract and expend more than eighty per cent of the amount realized from the collection of ad valorem taxes, or taxes collected from any other source for current expenses of such city or town until such judgment, or judgments, are satisfied, by adding thereto Articles 486a and 486b, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Henderson:

S. B. No. 314, A bill to be entitled "An Act to amend an Act passed at the regular session of the Thirty-fourth Legislature, known as House Bill No. 40, and being Chapter 147 of the printed General Laws of said session, being entitled 'An Act making it the duty of the tax collectors to prepare and mail notices and statements of delinquent taxes to the owners of real estate; prescribing the time in which notices or statements shall be mailed and the manner in which they shall be prepared; providing for the perfection of the delinquent tax records of the various counties, and making it the duty of the tax collector to prepare such records in certain instances together with supplements thereto; making it the duty of county and district attorneys to file and institute suits for the collection of delinquent taxes; providing for the issuance of redemp-

tion receipts and other statements by tax collectors and for the approval of tax records by the commissioners court and the Comptroller of Public Accounts; providing reasonable compensation for the additional duties prescribed in this Act for county officers, making the provisions of this Act mandatory; repealing all laws and parts of laws in conflict herewith, and declaring an emergency; providing reasonable compensation for tax assessors and other county officers mentioned in this Act for additional duties placed upon them by the Act, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Henderson:

S. B. No. 315, A bill to be entitled "An Act to amend Title 22, Chapter 4, Article 879 of the Revised Statutes of the State of Texas of 1911, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Henderson:

S. B. No. 316, A bill to be entitled "An Act to amend Title 22, Chapter 4, Article 883, Revised Civil Statutes of 1911 of the State of Texas, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Johnston of Harris:

S. B. No. 317, A bill to be entitled "An Act to authorize cities of over five thousand population to adopt or amend their charters by consolidation with an adjoining city in the same county under the name and government of the larger of said cities; authorizing the holding of joint elections by the qualified voters of said cities for the purpose of determining whether or not such consolidation shall take place; defining the term "consolidation;" providing that in event a majority of the qualified voters voting at such election in each of said cities shall vote in favor of consolidation the result shall be certified to the Secretary of State, and recorded by him, and providing for the recording of returns of such elections by the officers of the re-

spective cities; providing that all property and assets of such cities shall become the property of the consolidated city, which shall assume all outstanding liabilities against the territory consolidated; providing that the officials of the larger of said cities shall be the officials of the consolidated city, and that the offices theretofore existing in the smaller cities be abolished by consolidation; providing that if such cities have on hand any bond funds voted for public improvements such money shall be used for the purposes and in the territory for and by which voted, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator McNealus:

S. B. No. 318, A bill to be entitled "An Act to define and regulate the practice of veterinary medicine and surgery; to create a Board of Veterinary Medical Examiners for the examination and licensing of veterinary physicians and surgeons and dentists, and to prescribe their qualifications; to provide for their proper registration and to provide for the revocation of their licenses, and to prescribe the duties of the county and district attorneys; and to fix suitable penalties for the violation of this Act; and also to repeal the Act passed by the Thirty-second Legislature with reference to regulating the practice of veterinary medicine, laws of 1911, page 132, and all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Page:

S. B. No. 319, A bill to be entitled "An Act to repeal Chapter 7 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, the same being entitled 'An Act to provide for the suspension of sentence in cases of conviction of felony for the first offenses, upon the recommendation of the jury, and for submission of the issue to the jury by the court, and to provide the duration of the suspension of sentence and for pronouncing sentence after suspension thereof in case of final conviction of the defendant of

any other felony, cumulating punishment in such cases, and for granting a new trial after suspension and dismissal of the case on certain events after suspension and to repeal all laws and parts of laws in conflict herewith, and providing for an emergency; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

Senate Bill No. 237—Set as Special Order.

Senator McNealus asked for unanimous consent to have S. B. No. 237 set as a special order.

There was objection.

Senator McNealus moved to suspend the regular order of business and set S. B. No. 237 as a special order at the conclusion of the morning call on tomorrow, February 8.

The motion prevailed by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Henderson.	

Nays—2.

Decherd. King.

Absent.

Harley. Woodward.
Robbins.

Absent—Excused.

Clark. Suiter.
Lattimore.

Simple Resolution No. 64.

(By unanimous consent.)

Whereas, There appears in the Senate gallery the rolly-polly figure of the ex-Senator from Grimes, now

21—Senate.

a bloated bondholder of the Empire City of New York, and a leading corporationist; therefore be it

Resolved, That he be invited to address the Senate and be extended the courtesies of the floor.

HUDSPETH,
DEAN.

The resolution was read and adopted.

Ex-Senator Meacham addressed the Senate briefly.

House Bill No. 12.

The chair laid before the Senate on its third reading:

H. B. No. 12, A bill to be entitled "An Act to amend Article 1905, Chapter 8, Title 37, of the Revised Civil Statutes of the State of Texas, relating to the time when the answer in case of citation by publication shall be filed."

The bill was read.

Senator Dayton offered the following:

(1) Amend by adding Section 3 to read as follows: "The fact that there is a public need for this measure and its public necessity creates an imperative public necessity that the constitutional rule requiring bills to be read in both houses on three several days be suspended, and that it take effect from and after its passage, and it is so enacted."

The amendment was read and adopted by the following vote:

Yeas—22.

Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Dayton.	King.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.

Absent.

Alderdice.	McNealus.
Harley.	Robbins.
McCollum.	Woodward.

Absent—Excused.

Clark. Suiter.
Lattimore.

Senator Dayton offered the following:

(2) Amend by adding to the caption the following words: "and declaring an emergency."

The amendment was read and adopted by the following vote:

Yeas—24.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent.

Bailey.	Harley.
Gibson.	Robbins.

Absent—Excused.

Clark.	Suiter.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—24.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Smith.
Floyd.	Strickland.
Hall.	Westbrook.
Henderson.	Woodward.

Absent.

Gibson.	McCollum.
Harley.	Robbins.

Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator Bailey moved to reconsider the vote by which House Bill No. 12 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 11.

The Chair laid before the Senate, as regular order, on its third reading:

H. B. No. 11, A bill to be entitled "An Act to amend Article 1874 and Article 1875, Chapter 6, Title 37, of the Revised Civil Statutes of the State of Texas, relating to citations by publication against a defendant who is a non-resident of the State, or who is absent from the State, or who is a transient person, or whose residence is unknown or who is the unknown heir of a deceased person."

The bill was read.

Senator Caldwell offered the following amendment:

(1) Strike out in line 1, page 2, after the word "shall," down to the words "and shall" in line 2, page 2, and insert in lieu thereof, "contain a brief statement of the cause of action."

The amendment was read and adopted by the following vote:

Yeas—24.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Hall.	Westbrook.
Harley.	Woodward.

Absent.

Gibson.	McCollum.
Henderson.	McNealus.

Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator Caldwell offered the following:

(2) Strike out all after the word "shall" in line 23, page 2, down to the words "and shall," in line 25, and insert in lieu thereof "contain a brief statement of the cause of action."

The amendment was read and adopted by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Westbrook.
Hall.	Woodward.
Harley.	

Absent.

Gibson.	McCollum.
Henderson.	McNealus.
King.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator Caldwell offered the following:

(3) Amend bill by adding Section 3 at line 31, page 2.

Section 3. The crowded condition of the calendar and the importance of the subject matter of the law creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both houses be suspended, and it is so suspended, and that this bill be in effect from and after its passage, and it is so enacted.

CALDWELL,
DAYTON,
STRICKLAND.

The amendment was read and adopted by the following vote:

Yeas—26.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Gibson.	McCollum.
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Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator Dayton offered the following:

(4) Amend caption, line 21, page 1, by adding after the word "person" the words "and declaring an emergency."

STRICKLAND.
DAYTON,
CALDWELL,

The amendment was read and adopted by the following vote:

Yeas—26.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Gibson.	McCollum.
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Absent—Excused.

Clark.	Suiter.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—27.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Absent.

Gibson.

Absent—Excused.

Clark. Suiter.
Lattimore.

Senator Dayton moved to reconsider the vote by which H. B. No. 11 was passed and table the motion to reconsider.

The motion to table prevailed.

Morning call concluded.

Senate Bill No. 226.

By unanimous consent and on request of Senator Johnston of Harris, the Chair laid before the Senate on second reading:

S. B. No. 226, A bill to be entitled "An Act to amend Section 19, Chapter 67, of the Regular Session of the Thirty-second Legislature, which was approved March 11, 1911, relating to the term of office of the Criminal District Attorney of Harris County, and to amend Section 22 of the Act mentioned, as originally passed and as amended by Chapter 14 of the General Laws of the Regular Session of the Thirty-fourth Legislature, relating to the pay of the assistant criminal district attorneys of said county; repealing all laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Johnston of Harris the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 226 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Gibson. McCollum.

Absent—Excused.

Clark. Suiter.
Lattimore.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—26.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Gibson. Hudspeth.

Absent—Excused.

Clark. Suiter.
Lattimore.

Senator Johnston of Harris moved to reconsider the vote by which S. B. No. 226 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 243.

By unanimous consent and on request of Senator King, the Chair laid before the Senate on second reading:

S. B. No. 243, A bill to be entitled "An Act to validate all sales of public free school lands which were purchased from the State and fully paid for for which patents were signed by Governor J. S. Hogg on the 22nd and the 23d days of October, 1894, and on the 30th day of November, 1894, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator King, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 243 put on

its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hall.	Strickland.
Henderson.	Westbrook.
Hopkins.	Woodward.

Present—Not Voting.

McNealus.

Absent.

Bailey.	Harley.
Gibson.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Dayton.	Page.
Dean.	Parr.
Decherd.	Smith.
Floyd.	Strickland.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Present—Not Voting.

McNealus.	Robbins.
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Absent.

Bailey.	Johnson of Hall.
Gibson.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator King moved to reconsider the vote by which S. B. No. 243 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 299.

By unanimous consent and on request of Senator Hudspeth, the Chair laid before the Senate on second reading:

S. B. No. 299, A bill to be entitled "An Act to create and establish the county of Darlington out of part of El Paso county; prescribing its area and boundaries; appointing commissioners to organize said county, and prescribing their duties; providing for a division of said county into commissioners' and justices' precincts; providing for holding county and precinct elections, for the election of county and precinct officers, and for holding an election for the purpose of locating the county seat of said county; providing for the attachment of said county to judicial representative, senatorial, congressional and supreme judicial districts, and fixing the terms for holding district court in said county; providing for the assessment and collection of taxes, and for defraying the expenses of organizing said county and surveying and fixing the boundaries, and providing for the payment of the pro rata share of the debt of El Paso county, from which said county is taken, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Hudspeth offered the following amendment:

Amend S. B. No. 299 by striking out the name "Darlington" wherever it occurs and insert the name "Turney."

Senator Westbrook offered the following substitute for the pending amendment:

(1) Amend the bill by striking out word "Darlington" wherever it occurs and insert in lieu thereof the word "Hudspeth."

The substitute was adopted.

The amendment as substituted was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 299 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Floyd.	Parr.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Decherd.	Robbins.
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Absent—Excused.

Clark.	Suiter.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—26.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Harley.	Woodward.

Present—Not Voting.

Hudspeth.	
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Absent.

Robbins.	
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Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator McNealus moved to reconsider the vote by which S. B. No. 299 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 203.

By unanimous consent and on request of Senator Hopkins, the Chair

laid before the Senate on second reading:

S. B. No. 203, A bill to be entitled "An Act to make an emergency appropriation to construct and equip a fireproof dormitory, complete the administration building and to provide summer support for the College of Industrial Arts, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 203 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Gibson.	Woodward.
King.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—28.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	Woodward.

Absent—Excused.

Clark. Sulter.
Lattimore.

Senator Hopkins moved to reconsider the vote by which S. B. No. 203 was passed and table the motion to reconsider.

The motion to table prevailed.

Recess.

At 12:30 o'clock p. m., on motion of Senator Buchanan of Scurry, the Senate recessed until 2:30 o'clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Hobby.

Senate Bill No. 238.

By unanimous consent and on request of Senator Bailey, the Chair laid before the Senate on second reading:

S. B. No. 238, A bill to be entitled "An Act to authorize cities, towns and villages, incorporated under and by virtue of any Act of the Congress of the Republic of Texas, general or special, to accept the provisions of Chapters 1 to 13, both inclusive, of Title Twenty-two of the Revised Statutes of the State of Texas, and amendments of 1911, 1913 and 1915 thereto, upon a two-thirds vote of the city, town or village council thereof to enlarge or diminish, alter or change and redefine the bounds and limits of such cities, towns and villages so as to make them conform to the requirements of Article 777 of the Revised Statutes, and providing that any and all property of such cities, towns and villages accepting the provisions of Chapters 1 to 13 of Title 22 of the Revised Statutes of Texas shall remain the property of such city, town or village, and may be sold by the councils of such cities, towns or villages and the proceeds of such sales appropriated to the purchase, acquisition or construction and maintenance and oper-

ation of systems of waterworks, sewer, gas and electric light and power plants and lighting systems, and for other public improvements within such cities, towns and villages, as may be determined by the councils of such cities, towns and villages, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 238 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hall.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Westbrook.
Floyd.	Woodward.
Gibson.	

Absent.

Harley.	McCollum.
Hudspeth.	Parr.
Johnston of Harris.	Strickland.
King.	

Absent—Excused.

Clark.	Sulter.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—23.

Alderdice.	Harley.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Westbrook.
Gibson.	Woodward.
Hall.	

Absent.

Hudspeth.	Parr.
Johnston of Harris.	Strickland.
McCollum.	

Absent—Excused.

Clark. Suiter.
Lattimore.

Senator Bailey moved to reconsider the vote by which S. B. No. 238 was passed and table the motion to reconsider.

The motion to table prevailed.

—————
Message from the Governor.

A messenger from the Governor's office here appeared at the bar of the Senate and announced a message from the Governor. The message went to the table for the time.

—————
Senate Bill No. 116.

By unanimous consent and on request of Senator Floyd the Chair laid before the Senate on its second reading:

S. B. No. 116, A bill to be entitled "An Act providing for the creation of the office of assistant district attorney for the Sixth Judicial District of Texas; defining the duties and qualifications of said office; fixing the bond and salary, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 116 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Westbrook.
Hall.	Woodward.
Harley.	

Absent.

Hudspeth. McCollum.
Johnson of Hall.

Absent—Excused.

Clark. Suiter.
Lattimore.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Westbrook.
Hall.	Woodward.
Harley.	

Absent.

Hudspeth. McCollum.
Johnson of Hall.

Absent—Excused.

Clark. Suiter.
Lattimore.

Senator Floyd moved to reconsider the vote by which S. B. No. 116 was passed and table the motion to reconsider.

The motion to table prevailed.

—————
Messages from the House.

Hall of House of Representatives.
Austin, Texas, February 7, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate Amendments to H. B. No. 11, by the following vote: Yeas, 119; nays, 0.

Concurs in Senate Amendments to H. B. No. 12, by the following vote: Yeas, 123; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, February 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

H. B. No. 2, A bill to be entitled "An Act to establish a State Highway Department, creating a State Highway Commission and the office of State Highway Engineer; prescribing the duties of the members of the Commission and of the Engineer, and fixing the compensation of each; prescribing reciprocal duties for the Commission and for the commissioners courts; directing the Commission to plan and adopt a comprehensive system of State highways, and to promote the construction thereof by co-operation with the counties and by the Commission; authorizing a policy of State aid to counties in road construction, and to the inauguration of a plan of rewards to the counties for the construction of the more durable types of highways; directing co-operation of the department with the Federal government in the utilization of any funds appropriated by Congress in aid of road construction in this State; authorizing the working of State prisoners on State highways under conditions that may be agreed upon by the Highway Commission and the Prison Commission and approved by the government; providing for the support of the department by State registration of all motor vehicles and motorcycles, and for the distribution to the counties of a part of the moneys received from such registration fees; providing for the furnishing of identification numbers to motor vehicles and motorcycles and prescribing penalties for the violation of the provision for registration and identification of such vehicle; making an appropriation to inaugurate the work of the department as provided in this Act, and declaring an emergency."

H. B. No. 3, A bill to be entitled "An Act expressing the assent of the State of Texas to the provisions of an Act of the Sixty-fourth Congress of the United States, approved July 11, 1916, providing for Federal aid in the construction of post roads in the States of the Union; authorizing the Texas Highway Commission to enter into all agreements and comply with all requirements necessary to co-operation with the United States Secretary of Agriculture in the administration of the said Act

of Congress; and declaring an emergency."

Respectfully,
BOB BAKER,
Chief Clerk, House of Representatives.

House Bill No. 57.

By unanimous consent and on request of Senator Westbrook the Chair laid before the Senate, on second reading:

H. B. No. 57, A bill to be entitled "An Act to amend Chapter 60 of the Acts of the Thirty-third Legislature, passed at its Regular Session and approved March 20, 1913, providing for a special road law for Hunt County, etc., and declaring an emergency."

The committee report that the bill be not printed, was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 57 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Westbrook.
Hall.	Woodward.
Henderson	

Absent.

Harley.	McCollum.
King.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

The bill was laid before the Senate, read third and passed by the following vote:

Yeas—25.

Alderdice.	Bee.
Bailey.	Buchanan of Bell.

Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Henderson.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

Absent.

Harley.	McCollum.
King.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator Westbrook moved to reconsider the vote by which H. B. No. 57 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 34.

By unanimous consent and on request of Senator McNealus, the chair laid before the Senate on second reading:

H. B. No. 34, A bill to be entitled "An Act constituting the several district judges of counties of certain population a juvenile board of such county, and prescribing the powers and duties of such board, including the appointment by it of probation officers, and providing for the payment of compensation of such officers, and allowing the said district judges an additional salary, to be paid out of the general fund of such county."

The bill was read second time and passed to its third reading:

On motion of Senator McNealus the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 34 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Dean.
Bee.	Decherd.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hall.
Dayton.	Harley.

Henderson.	Page.
Hudspeth.	Parr.
Johnson of Hall.	Smith.
Johnston of Harris.	Westbrook.
McNealus.	

Absent.

Bailey.	Robbins.
Hopkins.	Strickland.
King.	Woodward.
McCollum.	

Absent—Excused.

Clark.	Suiter
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—21.

Alderdice.	Henderson.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Harris.
Caldwell.	King.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Harley.	

Nays—1.

Johnson of Hall

Present—Not Voting.

Bee.

Absent.

Bailey.	Robbins.
Hopkins.	Woodward.
McCollum.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator McNealus moved to reconsider the vote by which H. B. No. 34 was passed and table the motion to reconsider.

The motion to table prevailed.

(President Pro Tem. Henderson in the Chair.)

Senate Bill No. 124.

By unanimous consent and on request of Senator Decherd, the Chair

laid before the Senate on second reading:

S. B. No. 124, A bill to be entitled "An Act to provide an appropriation for the maintenance and support of the Agricultural and Mechanical College of Texas in conformity to the provisions of an Act passed by the Thirty-fourth Legislature 'providing for the issuance of certain State bonds and authorizing the retirement of certain bonds of the State of Texas, etc.,' and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Decherd, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 124 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Harley.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	Page.
Dean.	Parr.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Westbrook.
Hall.	

Absent.

Johnson of Hall.	Robbins.
McCollum.	Woodward.
McNealus.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—26.

Alderdice.	Hall.
Bailey.	Harley.
Bee.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Hudspeth.
Caldwell.	Johnston of Harris.
Dayton.	King.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Robbins.

Smith.	Westbrook.
Strickland.	Woodward.

Absent.

Johnson of Hall.	McCollum.
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Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator Decherd moved to reconsider the vote by which S. B. No. 124 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 100.

By unanimous consent, and on request of Senator Caldwell, the Chair laid before the Senate on second reading:

S. B. No. 100, A bill to be entitled "An Act to amend Article 1003, Article 1004 and Article 1005 of the Revised Civil Statutes of the State of Texas of 1911, relating to the condemnation by incorporated cities and towns and public utility companies or corporations of private property for opening or widening streets, avenues or alleys, or for the construction of extension of gas or electric light plants, or waterworks, water mains, supply reservoirs or standpipes for waterworks or sewer, etc., and for laying sewer pipes and acquiring outfall, etc., whenever it is made to appear that the use of such private property is necessary for such purposes, and providing for condemnation by cities and towns of private property for the purpose of construction, operation and maintenance of waterworks, and providing the proceedings for such condemnation and authorizing any public service company or corporation organized or chartered under the laws of Texas for the purpose of constructing gas, electric light, waterworks and furnishing gas, lights or water to any town or city, or the inhabitants thereof, to condemn and appropriate any private land reasonably necessary for its use for such purpose, by paying just compensation therefor, and prescribing the proceedings for such condemnation, to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 100 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	King.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Westbrook.
Hall.	

Nays—1.

Harley.

Absent.

Johnson of Hall. Strickland.
Johnston of Harris. Woodward.

Absent—Excused.

Clark. Suiter.
Lattimore.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	

Nays—2.

Harley. Westbrook.

Absent.

Bailey. Strickland.
Johnson of Hall. Woodward.
Johnston of Harris.

Absent—Excused.

Clark. Suiter.
Lattimore.

Senator Caldwell moved to reconsider the vote by which S. B. No. 100 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 246.

By unanimous consent and on request of Senator Hall, the Chair laid before the Senate, on second reading:

S. B. No. 246, A bill to be entitled "An Act conveying to the United States of America all right, title and interest which the State of Texas may have or hold in and to the following described tract of land, situated in the City of Galveston, and the County of Galveston, State of Texas, known and described on the maps and plans of said city now in common use as being the tract of land located on the dyke in Galveston Bay, described as follows: Commencing at a point on the U. S. Dyke bulkhead, same being the S. W. corner of a piece of ground leased to J. P. McDonough by the City of Galveston, Texas; thence S. 76 degrees 54 1-2 minutes W. 82.8 feet to place of beginning, same being approximately on center line of twenty-fifth Street produced; thence along said bulkhead S. 76 degrees 54 1-2 minutes W. 310.6 feet; thence N. 28 degrees .08 1-2 minutes W. 500 feet; thence N. 76 degrees 54 1-2 minutes E. 310.6 feet parallel to said bulkhead; thence S. 28 degrees .08 1-2 minutes E. parallel to and 80 feet W. of W. line of said J. P. McDonough's lease 500 feet to place of beginning; containing 3.44 acres; for the purpose of enabling the United States Government to build thereon a lighthouse depot, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 246 put on its third reading and final passage by the following vote:

Yeas—21.

Bee.	Dayton.
Buchanan of Bell.	Dean.
Buchanan of Scurry.	Decherd.
Caldwell.	Floyd.

Gibson.	King.
Hall.	McCollum.
Harley.	Page.
Henderson.	Parr.
Hopkins.	Smith.
Hudspeth.	Westbrook.
Johnston of Harris.	

Absent.

Alderdice.	Robbins.
Bailey.	Strickland.
Johnson of Hall.	Woodward.
McNealus.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Smith.
Floyd.	Strickland.
Hall.	Westbrook.
Henderson.	

Absent.

Gibson.	Robbins.
Harley.	Woodward.
Johnson of Hall.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator Hall moved to reconsider the vote by which S. B. No. 246 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 227.

By unanimous consent and on request of Senator Buchanan of Scurry, the Chair laid before the Senate, on second reading:

S. B. No. 227, A bill to be entitled "An Act to amend Section 1, Chapter 147, Acts of the Thirty-third Legislature entitled 'An Act authorizing

cities having more than five thousand inhabitants by a majority vote of the qualified voters of said city, at an election held for that purpose, to adopt and amend their charters, subject to such limitations as may be prescribed by the Legislature; and enumerating certain powers and providing that the same shall not be exclusive of other powers granted under Constitution and laws of this State; and providing the method by which said election may be held; and amending Article 812, of the Penal Code; and declaring an emergency," and providing that said Section 1 of said Act shall be amended so as to provide that cities and towns may at any time amend their charters for the purpose of levying, assessing and collecting taxes for the purpose of maintaining and carrying on their public free schools, and declaring an emergency."

Senator Buchanan of Scurry offered the following amendment which was read and adopted:

(1) Amend the printed bill, line 8, page 2, by inserting the word "such" immediately after the word "any."

The bill was read second time and passed to engrossment.

On motion of Senator Buchanan, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 227 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Strickland.
Hall.	Westbrook.

Present—Not Voting.

Harley.

Absent.

Gibson.	Smith.
Johnson of Hall.	Woodward.
Robbins.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Hall.	Strickland.
Harley.	Westbrook.

Absent.

Gibson.	Smith.
Hudspeth.	Woodward.

Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator Buchanan of Scurry moved to reconsider the vote by which S. B. No. 227 was passed and table the motion to reconsider.

The motion to table prevailed.

(Lieutenant-Governor Hobby in the chair.)

Bill Signed.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following:

S. C. R. No. 12, Expressing confidence of the Texas Legislature in President Woodrow Wilson, approving his action in severing diplomatic relations with Germany, and pledging him support in all things.

(President Pro Tem. Henderson in the chair.)

Message From the Governor.

Governor's Office,
Austin, Texas,
February 7, 1917.

To the Honorable Texas State Senate:

At a former day I conveyed my request to you for your advice and

consent to the appointment of Mr. T. J. Rouzee to be a member of the Board of Managers of the State Lunatic Asylum.

I hereby recall my request for the appointment of Mr. Rouzee, and ask your advice and consent in the appointment of Honorable Abe Frank, of Travis County, as a member of said Board of Managers for the State Lunatic Asylum, situated at Austin, Texas.

Respectfully,
JAS. E. FERGUSON,
Governor of Texas.

Senate Bill No. 85.

By unanimous consent and on request of Senator Dayton, the Chair laid before the Senate on second reading:

S. B. No. 85, A bill to be entitled "An Act to amend Section 16, of Article 30, of Title 5, of the Revised Statutes of Texas of 1911, so as to declare what counties compose the Sixteenth Judicial District of Texas; to fix the time for holding court in the various counties of said district; to make the process issued or served before this Act takes effect, including recognizances and bail bonds returnable to the terms of court as herein fixed; to repeal all laws in conflict herewith, and declaring an emergency, and fixing a time for this Act to take effect."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Dayton, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 85 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	McCollum.
Buchanan of Scurry.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hall.	Strickland.
Henderson.	Westbrook.
Hopkins.	Woodward.
Johnson of Hall.	

Present—Not Voting.

Bailey.

Absent.

Caldwell.

Harley.

Gibson.

Hudspeth.

Absent—Excused.

Clark.

Sulter.

Lattimore.

The bill was laid before the Senate, read the third time and passed by the following vote:

Yeas—27.

Alderdice.

Hudspeth.

Bailey.

Johnson of Hall.

Bee.

Johnston of Harris.

Buchanan of Bell. King.

Buchanan of Scurry. McCollum.

Caldwell. McNealus.

Dayton. Page.

Dean. Parr.

Decherd. Robbins.

Floyd. Smith.

Hall. Strickland.

Harley. Westbrook.

Henderson. Woodward.

Hopkins.

Absent.

Gibson.

Absent—Excused.

Clark.

Sulter.

Lattimore.

Senator Dayton moved to reconsider the vote by which S. B. No. 85 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 163.

By unanimous consent and on request of Senator Alderdice, the Chair laid before the Senate, on second reading:

S. B. No. 163, A bill to be entitled "An Act creating the office of State Commissioner of Education, prescribing the manner of his election, defining his term of office, fixing his salary, prescribing his duties, providing for substitute of title of 'State Commissioner of Education' for 'State Superintendent of Public Instruction,' and repealing all laws in conflict herewith."

Senator Alderdice moved the adoption of the majority (favorable) committee report.

The motion prevailed.

Senator Caldwell offered the following amendment, which was read and adopted:

(1) Amend by striking out all in the bill from beginning of line 22, page 1, to end of line 10, inclusive, on page 2.

Senator Floyd offered the following amendment:

Amend S. B. No. 163 in line 17, page 1, by striking out the words "five thousand dollars" and inserting in lieu thereof the words "four thousand dollars."

Senator Dayton offered as a substitute for the pending amendment, the following:

(2) Amend by striking out words "five thousand" in line 17, page 1, and insert in lieu thereof the words "thirty-five hundred."

Senator Alderdice moved to table the pending amendment and the substitute, which motion to table was lost by the following vote:

Yeas—6.

Alderdice.

Johnston of Harris.

Bee.

Robbins.

Gibson.

Smith.

Nays—18.

Bailey.

Henderson.

Buchanan of Bell. Hopkins.

Buchanan of Scurry. Hudspeth.

Caldwell. Johnson of Hall.

Dayton. King.

Dean. Page.

Decherd. Parr.

Floyd. Strickland.

Hall. Westbrook.

Present—Not Voting.

Harley.

Absent.

McCollum.

Woodward.

McNealus.

Absent—Excused.

Clark.

Sulter.

Lattimore.

Action recurred upon the adoption of the substitute amendment as offered by Senator Dayton, and the same was adopted by the following vote:

Yeas—16.

Bailey.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Dayton.	King.
Dean.	McNealus.
Decherd.	Page.
Hall.	Parr.
Hopkins.	Strickland.
Hudspeth.	Westbrook.

Nays—9.

Alderdice.	Gibson.
Bee.	Henderson.
Buchanan of Bell.	Robbins.
Buchanan of Scurry.	Smith.
Floyd.	

Present—Not Voting.

Harley.

Absent.

McCollum. Woodward.

Absent—Excused.

Clark.	Suiter.
Lattimore.	

The amendment as substituted was adopted.

Senator Caldwell offered the following amendments which were read and adopted, being voted on separately:

(3) Amend the bill by adding in line 21, page 1, the following: "appeal shall always lie from the rulings of the State Commissioner of Education to the State Board of Education."

(4) Insert in beginning of line 11, the following: "Section 2."

Amend by inserting in beginning of line 17, page 2, the words "Section 3."

The bill was read second time and passed to engrossment.

Senate Joint Resolution No. 12.

By unanimous consent, on request of Senator Hudspeth, the Chair laid before the Senate on second reading:

S. J. R. No. 12, "A joint resolution Proposing to amend Article 16 of the Constitution of the State of Texas by adding thereto at the end thereof another section to be known as Section 59, declaring the conservation and preservation of all the natural resources of the State of Texas are

public rights and duties; providing for the creation of conservation districts; declaring such districts bodies politic and corporate; defining the authority of such districts, and conferring upon the Legislature authority to pass laws with reference thereto; declaring that the Legislature shall have authority generally to legislate for the purpose of conserving the natural resources of the State; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment; making certain provisions for said election and the ballots thereof and the method thereof; directing the issuance of the proclamation therefor; prescribing certain duties of the Governor of the State, and making an appropriation to defray the expenses of said election."

The resolution was read, and Senator McCollum offered the following amendments, which were read and adopted, being voted on separately:

(1) Amend S. J. R. No. 12 by striking out lines 7 and 8 on page 2, and inserting in lieu thereof the following: "(b) there may be created within the State of Texas, or the State may be divided into, such number of conservation and reclamation districts as may be determined."

(2) Amend S. J. R. No. 12, line 23, page 1, by striking out the word "enacted" and insert in lieu thereof the word "resolved."

(3) Amend S. J. R. No. 12, page 2, line 17, after the word "requisite," strike out the word "in" and insert in lieu thereof the word "to."

(4) Amend S. J. R. No. 12, page 2, line 20, by inserting after the word "collection" the words "within such districts."

(5) Amend S. J. R. No. 12, page 2, line 32, by striking out the words "a division of" in said line.

(6) Amend S. J. R. No. 12, page 3, line 1, by striking out the words "the State by the Legislature into."

(7) Amend S. J. R. No. 12, page 3, line 4, after the word "for," by striking out the words "a division of the State by the Legislature into."

(8) Amend S. J. R. No. 12, page 3, line 5, by striking out the word "district" and inserting in lieu thereof the word "districts."

(9) Amend S. J. R. No. 12, page 3, line 8, by striking out "a" at the end of said line.

(10) Amend S. J. R. No. 12, page 3, line 9, by striking out the words "division of the State into."

(11) Amend S. J. R. No. 12, page 3, line 12, by striking out the words "division of the State into."

(12) Amend S. J. R. No. 12, page 3, line 17, by inserting the word "the" after the word "of."

(13) Amend S. J. R. No. 12, line 23, page 1, by striking out the word "enacted" and insert in lieu thereof the word "resolved."

(12) Amend S. J. R. No. 12, page 2, line 17, after the word "requisite," strike out the word "in" and insert in lieu thereof the word "to."

On motion of Senator McCollum, the resolution as amended was passed to engrossment.

(Senator Bailey in the chair.)

Senate Bill No. 160.

By unanimous consent and on request of Senator Parr, the Chair laid before the Senate:

S. B. No. 160, A bill to be entitled "An Act to increase the authority of the Commissioners' Court of Duval County, Texas, and of the county commissioners of said county; to require said county commissioners to devote their entire time and attention to the affairs of said commissioners court, and repealing all laws, general and special, in conflict with the provisions of this Act, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill having previously been read the second time.

Senator Parr offered the following amendment, which was read and adopted:

(1) Amend S. B. No. 160 by striking out the word "entire," in line 2, Section 2, and strike out the words "nine hundred dollars" and insert in lieu thereof the words "seven hundred and twenty dollars," in line 3, Section 3.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to

be read on three several days was suspended and S. B. No. 160 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Smith.
Floyd.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Gibson.	Robbins.
Hall.	Woodward.
McCollum.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—21.

Alderdice.	Hudspeth.
Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Dayton.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Harley.	Westbrook.
Hopkins.	

Nays—2.

Dean.	Johnson of Hall.
	Absent.
Gibson.	McCollum.
Hall.	Woodward.
Henderson.	

Absent—Excused.

Clark.	Suiter.
Lattimore.	

Senator Parr moved to reconsider the vote by which S. B. No. 160 was passed and table the motion to reconsider.

The motion to table prevailed.

Simple Resolution No. 65.

(By unanimous consent.)

Whereas, on February 4, 1917, there appeared in the Dallas News the following statement: "Special to the News. Austin, Texas, Feb. 3, 1917. H. R. Johnson of Russellville, Ky., who is in Austin visiting his daughter, Mrs. H. C. Jones, says that among a large shipment of scrap iron recently purchased by him in this city he found an old cannon used by the United States in the Mexican war. Mr. Johnson will present the relic to the Confederate soldiers at Russellville," and,

Whereas, it is reported that there has been removed from the State Capitol grounds several old cannon that were noticeable relics and reminders of the days when our forefathers laid down their lives in defense of home and country, and the sight of same helped to fire the souls of our lawmakers with patriotism, and makes them stronger to defend the Constitution and the rights of the common people; therefore, be it

Resolved, That the Lieutenant Governor appoint a committee of three members of the Senate of the Thirty-fifth Legislature to investigate the cause of removing these relics, and, if possible, have same returned to the Capitol grounds.

Hudspeth, Hall, Strickland, Harley, McNealus, Alderdice, Robbins, Johnson, Page, Floyd, Johnston of Harris, Westbrook, Dayton, Gibson, Caldwell, Bee, Parr, Decherd, Buchanan of Scurry, Hopkins, Smith, Bailey, Dean, Buchanan of Bell.

The resolution was read and adopted.

Adjournment.

At 5:50 o'clock p. m., on motion of Senator McNealus, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Petitions and Memorials.**

A numerous signed petition to Senator Johnston of Harris was offered from railroad employes to support the car shed bill, No. 59.

Senators Floyd, Smith and McNealus offered numerous signed petitions from citizens of their respective districts protesting against the passage of any bill regulating the sale of medicines, extracts, etc., by rural vendors.

Engrossing Committee Report.

Committee Room,
Austin, Texas, Feb. 7, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 203 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Reports.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 308, A bill to be entitled "An Act creating and incorporating the Post Independent School District, in Garza County, Texas, and defining the boundaries thereof, and providing for a board of trustees thereof, and defining their powers and authority, authorizing said board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor; providing for an assessor and collector of taxes thereof, and providing for a board of equalization of said school district, providing for an election of trustees thereof, and providing for an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Bee, Chairman; Dean, Decherd, Smith, Buchanan of Scurry, Dayton, Alderdice, Bailey, Johnson, Floyd.

Committee Room,

Austin, Texas, February 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 262, A bill to be entitled "An Act to amend Article 984 of the Revised Civil Statutes of Texas, of 1911, so as to authorize cities and towns to require the filling up, draining and regulating of any lot or lots, grounds or yards, or other places in the city or town which shall be unwholesome, or have stagnant water therein, or from any other cause, be in such condition as to be liable to produce disease; to cause or make inspection of all premises and to impose fines on the owners of houses under which stagnant water may be found, or upon whose premises stagnant water may be found, and to pass such ordinances as they may deem necessary for the purposes aforesaid, and for making, filling up, altering or repairing of all sinks and privies, and directing the mode and material for constructing them in the future, and for cleaning and disinfecting the same; and for cleansing of houses, buildings, yards or grounds of filth, carrion or impure or unwholesome matter of any kind, and to punish the owner or occupant violating the provisions of any ordinance so passed as aforesaid, and providing for the removal of weeds, rubbish, brush, etc., from lots and empowering the city or town council, city commissioners or other governing body of such city or town to make or cause such improvements to be made at the expense of the city on account of the owners, and to cause the expense of such improvements or work to be assessed on the real estate, or lot or lots for or upon which work is done or improvements are made; and making provisions for notice to owners, and providing that a lien may be fixed upon such lot or lots, etc., for the improvements made or caused to be made by the city or town or for the work done; and also providing how the amounts expended in such improvements or work may be fixed, and providing for suit and foreclosure of the lien so given and the rate of interest to be paid on amounts so expended; repealing all

laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

JOHNSTON of Harris, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, February 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: A majority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 155, A bill to be entitled "An Act to punish the making or use of false statements respecting financial condition for the purpose of obtaining money, property, or credit, when such money, property, or credit amounts to not less than fifty dollars; whether such statements are made directly or indirectly; making such an offense a felony and prescribing the punishment therefor,"

Have had the same under consideration, and I am instructed to report the bill back to the Senate with the recommendation that it do pass, with the following Committee Amendment:

(1) Amend the bill by striking out in Section 3 thereof the following: "Shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the penitentiary not exceeding three years or by imprisonment in the county jail not exceeding twelve months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment," and inserting in lieu thereof the following:

"Shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the county jail not exceeding twelve months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment."

PAGE, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, February 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: A minority of your Commit-

tee on Criminal Jurisprudence, to whom was referred S. B. No. 155,

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

KING.

(Floor Report.)

Senate Chamber,
Austin, Texas, February 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 303, A bill to be entitled "An Act amending Section 15, Chapter 4, of the Local and Special Laws of the First Called Session of the Thirty-first Legislature, etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Smith, Strickland, Buchanan of Scurry, Floyd, Gibson.

Committee Room,
Austin, Texas, February 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 38, A bill to be entitled "An Act to amend Articles 1521, 1522, 1543, 1544 and 1526 of the Revised Civil Statutes of 1911, as amended by the Acts of the Thirty-third Legislature, approved March 28, 1913, defining the original and appellate jurisdiction of the Supreme Court, and regulating the practice therein,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, February 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 240, A bill to be entitled "An Act to amend Article 3864, Chapter 3, Title 58, of the Revised Civil

Statutes passed by the Regular Session of the Thirty-second Legislature of the State of Texas, 1911, relating to sheriff's fees,"

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, February 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 241, A bill to be entitled "An Act to amend subdivisions 1, 2, 6 and 7 of Article 1130, Chapter 2, Title 15, of the Revised Criminal Statutes of the State of Texas, passed by the Regular Session of the Thirty-second Legislature, 1911, relating to the fees allowed sheriffs and constables in all cases when the charge is felony,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, February 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 151, A bill to be entitled "An Act to amend Article 5490 of the Revised Statutes of 1911, relating to the subject of landlord's liens upon residences, store houses or other buildings, prescribing the manner in which such liens shall be fixed and preserved,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, February 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred S. B. No. 151,

Have had the same under consideration, and a minority of said committee beg leave to report the same back to the Senate with the recommendation that it do not pass.

HOPKINS,
DEAN.

(Majority Report.)

Committee Room,
Austin, Texas, February 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 219, A bill to be entitled "An Act denying to railroad corporations and other common carrier corporations, their representatives and successors, the right to have, claim, justify, vindicate or enforce any power, benefit or privilege given or described in any law of Texas, and denying to any court created by any law of Texas jurisdiction over any cause brought or proposed to be brought by any such corporation, its successors or representatives to fix, claim, or in anywise enforce, any such right, power, benefit or privilege, where such corporation shall on or after March 1, 1917, disobey the requirements of any constitutional or statutory provision of this State, or any order, rate, rule or regulation of the Railroad Commission of Texas, pertaining to intrastate freight or passenger transportation where such disobedience, etc., is not absolutely necessary to lawful compliance with mandatory regulations prescribed by Congress, or by the Interstate Commerce Commission, or other Federal board, in the due and proper exercise of jurisdiction conferred upon them; specifically defining some, but not all, of the laws, powers, privileges and benefits of which are hereby denied; providing that the denial of the future use or enjoyment of such powers, privileges or benefits shall not relieve such corporation, or its successors, of the performance of any public duty or to destroy, waive, or otherwise impair liability for penalties, forfeitures, and other remedies incurred by such corporation through such disobedience to be grounds for forfeiture; providing for suits for forfeiture, venue for same, and regulating certain defenses therein; pro-

viding for and regulating the appointment of receivers in such suits; declaring the terms, etc., of the Act to be separable, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Amend the bill by inserting after the words "Attorney General shall," in line 10 of Section 3 of the bill, the following: "Upon the request of the Railroad Commission of Texas, or upon his own motion may."

BAILEY, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, February 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 219,

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass for the reasons hereto attached, to be incorporated in the printed bill.

HALL, For the Minority.

Reasons for Minority Report.

Having given the Committee on Civil Jurisprudence notice that I would present to the Senate an unfavorable report on S. B. 219, I desire to briefly state my reasons for so doing.

In substance this bill provides that no railroad or other common carrier now chartered or hereafter to be chartered under the laws of the State of Texas, or exercising or proposing to exercise, any franchise or power granted by the laws of this State, and which shall after the first day of March, 1917, disobey or otherwise refuse or fail to comply with any requirement of any provision of the Constitution of Texas, or of any Statute enacted by the Legislature of Texas, or of any rate, rule, regulation or order of the Railroad Commission of Texas, with respect to intrastate commerce in Texas, when such disobedience thereto, or refusal or failure to comply therewith is not absolutely necessary in order to

obey or comply with any valid and lawful order or regulation made by the Congress of the United States, or under its rightful authority, in the proper exercise of the jurisdiction thereof, shall as to any future act of such corporation have or claim the justification of any law of Texas, nor shall any court created by or maintained under the authority of any law of Texas entertain jurisdiction of any cause filed, or proposed to be filed, by such corporation for the justification, vindication, or securing or enforcement of any privilege or power claimed by such corporation under any law of Texas.

The bill further provides that any of the above named corporations which shall after the first day of March, 1917, violate the provisions of this Act, shall be denied certain privileges, many of which privileges if denied to any one of the corporations named, would mean its corporate death. Section 2 of the bill provides in substance that among these privileges which shall be denied such refractory corporations are the following:

The privilege given under Articles 6537 and 6538, R. S. 1911, or Chapter 8, Title 115, R. S. 1911, and all laws granting them the right of eminent domain, except where the exercise of such power or right is necessary to the compliance with any requirement of the Legislature of Texas or of the Railroad Commission of Texas with respect to the furnishing of adequate facilities for the performance of public duties, or with respect to any final judgment of a court. The power or privilege given in Article 6535, R. S. 1911, or Chapter 2, Title 115, R. S. 1911, or Article 6414, R. S. 1911, or Articles 1133, 1134 or 1135, R. S. 1911, or any other law providing for the renewal of charters. Any power or right given under Article 6415, Article 6624 and Article 6425, R. S. 1911, or any other law on the subject of succession or lease. Any power or right given under Article 6544 and Article 6547 and Chapter 16, Title 115, R. S. 1911, or Chapter 50, Acts of the Regular Session of the Thirty-fourth Legislature of 1915, neither can any succession of any alleged refractory corporation

ever at any time or under any circumstances in the future claim any right, power or benefit under any of the above provisions.

The bill provides in Section 3 that any such corporation violating any of the provisions of this Act shall be subject to the forfeiture of its charter, and that such forfeiture may be adjudged either in Travis County, or in such other county having jurisdiction, and that in any such suit brought upon application of the Attorney General, the judge of the court in which the suit has been filed may in term time or in vacation appoint a receiver or receivers with authority to take charge of, and operate the railway, and all other business of such corporation in obedience to the laws of the State of Texas and of the United States during the pending of the final hearing of said cause, or the further orders of the court or judge, and that such receivers may be appointed ex parte (meaning without giving the defendant an opportunity to be heard) where the application therefor is supported in material particulars by public records or affidavits of credible citizens of the State.

The above is a very brief synopsis of some of the drastic features of the bill, but I do not believe that it will be contended that it does not contain a fair statement of the purport and object of the bill. There is not a member of this body who will not say that one of the greatest drawbacks of Texas today is inadequate transportation facilities, and one of the greatest needs of the wealth producing and home preserving people of this State is the existing inadequate railway facilities. Thousands upon thousands of acres of rich lands in Texas today are lying prostrate and worthless awaiting the advent of proper railroad facilities to convert them into happy homes for thousands of suffering homeless children. Yet no man with money to invest, operating in the money centers of this country or even in Texas, in my humble opinion, would invest one dollar in any kind of railway securities or in the securities of any other corporation engaged in transportation of commodities in Texas, when he is apprised of the fact that a bill of this

character, looking to the destruction of such corporations, has been reported favorably by one of the most important committees of the Texas Legislature with only one dissenting vote.

This bill is designed (not intentionally, I know, but the effect is there, and there is no escape from it) to retard, instead of promoting the interests of the people of this State, and especially the agricultural interests, the stock raising interests, and the interest of that great class of railway employees, whose very existence depends upon the operation of railway trains throughout this State without the interference (unless there is some semblance or cause or justification for it), of receivers appointed by State courts, without notice and without a hearing, and the possibility of the Federal authorities taking complete control and management of this property, the legitimate operation of which depends upon the existence of the people who produced it, which, in my opinion, will be the inevitable result if this bill becomes a law, as the very terms of the bill invite, at the threshold, a clash between State and Federal authorities, a subject which should be determined alone by the constituted authorities of this State.

The bill, after providing that any infraction of its provisions by the corporations named would deprive such corporations of certain privileges and powers now granted to it under the law, then provides that when suit is brought by the Attorney General against such corporation for the forfeiture of its charter, by reason of real or supposed infractions of the above mentioned rules and regulations, and the railway company makes defense that the acts or disobedience complained of were caused or done under supposed authority of any regulation of Congress or of the Interstate Commerce Commission, or any other board or body created or given jurisdiction by Act of Congress, such defense shall in no case be sustained except upon clear and satisfactory showing of the concurrent existence of each and all of the following conditions, to wit: That the justifying act or regulation was made by Congress or by the Interstate Com-

merce Commission, or other such body or board, in the proper and lawful exercise of jurisdiction over the subject matter thereof, and that the requirements of such Act of Congress, or order of the Interstate Commerce Commission, or other such board or body plead in justification were lawfully mandatory and of such form as to render disobedience to such provision or provisions of the Constitution or Statutes of Texas, or to the order or orders of the Railroad Commission of Texas, absolutely necessary, in order for such corporation lawfully to obey such act or regulation of Congress, or order of the Interstate Commerce Commission, or other such body or board, and that lawful compliance with both the Constitution and Statutes of Texas and the other order or orders of the Railroad Commission and with such Act or regulation of Congress or order of the Interstate Commerce Commission, or other such board or body could not, under any conditions, be made in whole or in part.

The plain interpretation of this portion of the bill means this: whenever, as is the condition at the present time, the Interstate Commerce Commission provides rules regulating freight rates in Texas in conflict with the rate prescribed by the Texas Railroad Commission, and the Texas railroads obey the order of the Interstate Commerce Commission under protest or voluntarily, the Attorney General will have the authority to assume that it was not absolutely necessary for the Texas roads to obey the rules or regulations so made by the Interstate Commerce Commission or other such bodies or board, or that such rules or regulations were not made by said Interstate Commerce Commission in the "proper and lawful exercise of jurisdiction over the subject matter thereof," and therefore he may proceed against such roads in the courts of Texas notwithstanding the fact that the offending railroads may vigorously protest against the rules so established by the Federal authorities. If I understand the situation, this condition exists now, and if this bill was a law on our statutes, certain Texas railroads could upon an ex parte hearing be placed in the hands of receivers for

obeying the rules and orders under protest, made by the Interstate Commerce Commission, which rules and orders were approved by the Supreme Court of the United States.

The discussion of the bill in the Committee Room disclosed, according to my understanding, the following facts: In 1911 the Railroad Commission of Louisiana filed a complaint with the Interstate Commerce Commission against certain Texas railroads, alleging that the rates between Shreveport, Louisiana, and Texas points were excessive, and by reason of lower rates between points in Texas, there was a discrimination against Shreveport. The Railroad Commission of Louisiana asked that the Railroad Commission of Texas be made a party, but this was not done, though it was stated in the Committee Room and not denied, that the Texas Railroad Commission was advised of the proceeding and the members attended several hearings when evidence was being taken.

The Interstate Commerce Commission found that the class rates between Shreveport and points in Texas on the Texas & Pacific and Houston, East & West Texas east of Dallas and Houston were excessive, and ordered them reduced. The Interstate Commerce Commission further ordered that the two railway companies named should not thereafter charge higher rates on any articles between Shreveport and Dallas and Shreveport and Houston and intermediate points than they exact for the transportation of such articles from Dallas or Houston for an equal distance toward Shreveport.

The railroad companies complied with the order with reference to the reduction of rates, but contested the balance of the order by filing suit in the then Commerce Court. The Commerce Court construed the rates presented by the Interstate Commerce Commission as reasonable, and held that the carriers could in complying with the order of the Interstate Commerce Commission for the removal of discrimination increase the State commodity rate to the level of the commodity rates between Shreveport and the Texas points included in the order of the Interstate

Commerce Commission. The case was appealed by the carriers to the Supreme Court of the United States, which case was decided by this court June, 1914. *Houston, East & West Texas Railway Company vs. United States*, 342. The Supreme Court affirmed the judgment of the Commerce Court, holding that the railway companies had the right to comply with the order of the Interstate Commerce Commission by raising the State rates so as to conform them to the interstate rates. Since the decision in this case was handed down, it appears that the Interstate Commerce Commission has made several orders, looking to the correction of the Shreveport discrimination rates, most of which, it appears, for one reason or another, have been canceled.

It was stated in the committee room, by counsel for the railway companies, and not denied so far as I know, that every issue presented by this bill has been presented by the Attorney General in his pleadings in equity, Cause No. 295, *Eastern Texas Railway Company, et al., vs. Railway Commission of Texas, et al.*, pending in the United States Court at Austin, and that such court has acquired jurisdiction of the entire subject matter which this bill attempts to deal with, in so far as State and interstate rates are concerned.

Therefore, by the provisions of this bill, this Legislature is called upon to pass upon questions of which the courts have exclusive jurisdiction and of which they have assumed jurisdiction, and which questions are undecided and now pending in the courts. I do not think the bill should pass, or, if it should pass at all, action should at least be deferred until the questions involved therein are passed upon by the courts.

HALL.

Committee Room,
Austin, Texas, Feb. 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred S. B. No. 218, A bill to be entitled "An Act to amend an Act passed at the Second Called Session of the

Thirty-third Legislature of the State of Texas, the same being known as House Bill No. 4. The purpose of this bill is to amend said Act that the Warehouse and Marketing Department thereby created shall hereafter be known as the Marketing and Warehouse Department; shall hereafter be administered by one person, who shall be known by the official title of Commissioner of Markets and Warehouses of the State of Texas, but who may be designated in this bill as "Commissioner," who shall be appointed by the Governor, the Commissioner of Agriculture, and the Commissioner of Insurance and Banking, with the advice and consent of the Senate; to fix the compensation of said Commissioner, and to provide for paying the compensation so fixed; defining the powers and duties of said Commissioner; to provide the said Commissioner with a chief clerk, and such other assistants as he may require to fully administer this amending Act; to fix the compensation for the said chief clerk and other assistants; and to provide for the payment of the compensation so fixed; to provide a more efficient system of marketing and warehousing of farm products; and to provide standards of weights and measures; and standards of grades and classes for all farm products; also, to provide rules and regulations to compel the use of such weights and measures, and grades and classes, in the purchase and sale of all such products within this State; to authorize and require the Commissioner to fix and enforce the compensation for cotton ginning; to provide and enforce rules and regulations for ginning, baling, weighing, marking and sampling of cotton, and such other necessary service as may be incident to the ginning of cotton and preparing it for sale in the primary markets; to provide and enforce the necessary rules for making and keeping necessary records of each bale of cotton ginned; to provide for sampling cotton at the gin, and for wrapping, sealing and certifying to such samples so taken; to provide what shall constitute cotton gins public utilities; authorizing the licensing of the gins; and putting all such gins under the supervision, management

and control of the Commissioner; providing that all such gins shall give bond, how such bond may be made, and regulating the amount of each bond; creating the Governor, the Commissioner of Agriculture and the Commissioner of Markets a Board to hear and determine matters of dispute between licensed ginners under rules and regulations adopted by said Board, and creating the Governor President of such Board; to provide a system of rural credit associations; to provide a system of co-operative marketing and warehouse associations; to provide how such associations may be capitalized, governed and controlled, under the control of the Commissioner; and authorizing the said Commissioner to supervise, inspect and regulate warehouses, and the compensation they may charge; to authorize the Commissioner to license graders, classers and inspectors of cotton, and other farm products; to define their duties, and to fix and test their qualifications; to define, fix and enforce their liabilities; to fix and collect a license fee from such persons; to provide and fix a bond for each such classifier or grader; to fix and enforce penalties for violating the terms and requirements of this Act; to provide for the repeal of all laws and parts of laws in conflict herewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the following committee substitute pass in lieu thereof, and that the substituet be not printed in the Journal.

WOODWARD, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 305, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, of the Revised Civil States of Texas, 1911, with reference to the mode of preventing horses and certain other animals from running at large in counties

named, so as to exclude and exempt Pecos County, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Parr, Chairman; Buchanan of Bell, Johnson, Dean, Robbins, Hudspeth.

TWENTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, February 8, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Henderson.

By unanimous consent, the Chair announced that the Senate would stand at ease for fifteen minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	Woodward.

Absent—Excused.

Suiter.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Clark.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Simple Resolution No. 67.

(By unanimous consent.)

Whereas, There is at this time in the gallery that splendid ex-Senator, Hon. W. N. Adams, of Brown County;

Resolved, That he be invited to address the Senate.

JOHNSON of Hall,
HUDSPETH,
WOODWARD.

The resolution was read and adopted.

Ex-Senator Adams addressed the Senate briefly.

Bills and Resolutions.

By Senator Harley:

S. B. No. 320, A bill to be entitled "An Act to amend Article 421 of the Penal Code of the State of Texas, to further define "barratry" so as to include the fomenting of litigation for profit and by persons in addition to attorneys at law by soliciting employment or advancing money or other things of value to the parties to litigations in order to procure employment, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator McCollum:

S. B. No. 321, A bill to be entitled "An Act to create the Tenth Supreme Judicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the Tenth Supreme Judicial District of Texas, and to reorganize the Second, Third, and Fifth Supreme Judicial Districts, so as to conform to the provisions of this Act; to repeal all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Parr:

S. B. No. 322, A bill to be entitled "An Act creating the Tilden Independent School District in McMullen County, Texas, and defining the boundaries; and to provide for the creating of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and providing authority to issue